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COMMITTEE ON THE RIGHTS OF THE CHILD

Twentieth session

SUMMARY RECORD OF THE 523rd MEETING

Held at the Palais des Nations, Geneva,
on Monday, 25 January 1999, at 10 a.m.

Chairperson: Miss MASON

CONTENTS

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Second periodic report of Yemen

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The meeting was called to order at 10.25 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Second periodic report of Yemen [CRC/C/70/Add.1; CRC/C/15/Add.47 (Concluding observations of the Committee on the Rights of the Child); CRC/C/Q/YEM/2 (List of issues to be taken up in connection with consideration of the second periodic report of Yemen)]

1. At the invitation of the Chairperson, Mr. Abdullah, Mr. Attar, Mr. Assanbani, Mr. Fadl and Mrs. Ghalib Faree Al-Sakah (Yemen) took places at the Committee table.

2. Mrs. GHALIB FAREE AL-SAKAH (Yemen) said that, despite numerous obstacles - one of the Yemeni islands in the Red Sea had been occupied in 1997, repeated attempts had been made to sully the country's reputation, the social welfare system was very new, and so on - Yemeni society was aspiring to democracy. Totally isolated in the early 1990s, Yemen's attitude was now to accede to the international conventions. For example, it had acceded to the Convention on the Rights of the Child in 1991 and was working towards bringing its legislation into line with that instrument. The preparation of the initial report had been its first opportunity to draw a complete picture of the status of children in Yemen and of the problems encountered, since when many measures had been adopted. Although Yemen could not be compared to a developed country, it was doing all in its power to ensure the exercise of fundamental rights. Accordingly, it was one of the very few countries in which women could be members of Parliament and elect the representatives of the people.

3. The CHAIRPERSON assured the Yemeni delegation that the Committee never compared the countries whose reports it was considering to other countries, but merely sought to discover how they were endeavouring to improve the status of children, with due regard to their specific characteristics and resources. She expressed regret that Yemen had not submitted written replies to the list of issues and invited Committee members to ask their questions.

4. Mr. FULCI, expressing regret that the information requested by the Committee in its concluding observations of 1996 on Yemen's initial report did not appear in the second periodic report, urged the Yemeni Government to take account of those observations when it came to prepare its third periodic report; he asked whether the country planned to seek technical assistance for preparing its reports in future. The many areas of concern raised in the 1996 concluding observations included discrimination against girls. They were the prime victims of early marriages - some were married as early as 12 - and lack of education, as recognized in paragraph 156 of the report. According to certain sources, 80 per cent of women were illiterate, as against 35 per cent of men. He wondered about the role that the Yemeni Council for Maternal and Child Welfare could play in remedying that situation. Lastly, he asked the delegation to explain why the report provided no information on the realization of the best interests of the child, although it had been recognized by the General Assembly in its most recent resolution on the rights of the child as the major consideration in all child-related activities.

5. Mrs. MBOI also regretted that the Committee's guidelines had not been followed and that its concluding observations had not even been mentioned in the second periodic report. She asked the delegation to say what specific measures had been taken to implement the Committee's recommendations, what progress had been made and what problems had been encountered. Turning to the National Population Strategy (1990-2000), she urged Yemen to think about the adverse consequences that the adoption of new economic policies could have for implementation of social programmes and for articles 2, 3 and 4 of the Convention. Since there had been no campaign to publicize the Convention, she asked what measures had been taken to disseminate it among child care professionals and among children themselves.

6. While she did not dispute that the laws did prohibit discrimination, she felt that they were not adequately enforced. What specific measures were being taken to prevent discrimination and help children living in difficult situations, such as girls, children with disabilities, children born out of wedlock and street children? By the same token, abuse was prohibited by law, but it was a fact of life. Abuse, torture and rape occurred in the judicial institutions, and corporal punishment was inflicted within the family, in the schools and in other institutions. What was being done to prevent such abuse and help the victims?

7. Ms. SARDENBERG joined previous speakers in regretting that Yemen had not followed the Committee's guidelines, adding that they were not merely a bureaucratic requirement, but reflected the fact that the Convention placed all rights on an equal footing. Yemen's report, as presented, gave a fragmented view of the situation. It would appear that Yemen approached the Convention from the social assistance point of view and did not understand the deeper meaning of that instrument, which made the child a subject of rights.

8. Noting that while Yemen was a party to the six major international human rights instruments, it had often failed in its reporting obligations, she joined Mr. Fulci in advising the Government to seek technical assistance for the preparation of its reports. Nevertheless, she noted with satisfaction that in eight years Yemen had presented an initial report, a periodic report and an interim report to the Committee on the Rights of the Child. She also welcomed the progress made in health and education, despite a difficult context of reunification and armed conflicts. Yemen was also one of the only countries in the Middle East to have ratified the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and Their Destruction. In addition, noting that the Prime Minister had recently announced the abolition of school fees for girls in primary education, which was a highly positive development since the status of girls was one of the Committee's major concerns, she asked the delegation to provide more information on the subject. Concerning the legislative review, she asked what results had been achieved by the series of workshops organized in November 1998 by the Ministry of Social Security and Social Affairs and what other measures were planned.

9. It would also be useful to know whether the Yemeni Council for Maternal and Child Welfare had sufficient resources and political influence to discharge its duty; what measures were being taken, in the context of decentralization, to prevent neglect of certain categories of children,

notably those living in rural areas; and, lastly, what the Government was doing to combat corporal punishment whether inflicted by parents, teachers or the forces of law and order.

10. Ms. OUEDRAOGO asked what place the Convention occupied in domestic law, whether it could be invoked in court and whether its provisions were taken into account in administrative decisions and texts.

11. The Yemeni delegation might indicate whether there were any programmes especially devised for children other than the maternal welfare programmes - even within the social security network mentioned in paragraphs 98 and 99 of the report - aimed at meeting children's specific needs and ensuring the full exercise of the rights conferred on them by the Convention. To what extent had children benefited from the five development projects implemented in 1998 with the financial support of the World Bank?

12. It would also be useful to know the measures taken by the Government to publicize and win acceptance for the provisions of the Convention and to ensure wider dissemination of its periodic reports.

13. Turning to the definition of the child, she said it would be interesting to know whether the Government intended to raise the age of consent and the age of majority, which were set at 15 years in the case of both sexes, the minimum age of maturity which, it must be pointed out, was not the same for boys (10 years) as for girls (9 years), and the age of criminal liability, set at 7 years. Under the Convention, a child was understood to be any human being under 18 years of age. The Yemeni delegation might indicate whether the death penalty could be imposed on a child aged 15 to 18.

14. Mr. KOLOSOV invited the Yemeni delegation to indicate what specific legislative, administrative and other measures had been taken to implement the recommendations formulated by the Committee following consideration of Yemen's initial report. The Committee had, among other things, recommended that Yemen should pursue its efforts to ensure full compatibility of its national laws with the Convention, to ensure specific training in the Convention to professional groups working with and for children and to incorporate education relating to the Convention in school curricula. Yemen had also been encouraged to pursue its efforts to promote advocacy and create a wider awareness and understanding of the principles and provisions of the Convention and to develop family counselling services. The State party had also been urged to ensure that its report, the summary records of the meetings devoted to consideration of the report and the Committee's concluding observations should be made widely available to the public.

15. Mr. RABAH asked what role the media played in the dissemination of the principles enshrined in the Convention; why there was no parliamentary commission responsible for children's rights; why a person could not obtain an identity card before the age of 16 when the age of legal majority was set at 15; from what age a child could consult a doctor without parental consent and testify in court; whether children had the right to express their opinions within the family; and how registration of births was ensured in remote areas.

16. Paragraph 13 of the report stated that the foetus had legally recognized rights. What were those rights?

17. It was stated in paragraph 23 of the report that children could establish their own associations. It would be interesting to know whether any such associations had been formed and how they functioned.

18. Referring to the employment of minors, he asked whether the State party planned to ratify ILO Convention No. 138 concerning Minimum Age for Admission to Employment and which organs were responsible for enforcing the constitutional and legislative provisions on child labour. In that regard, it was surprising that, under Labour Act No. 25 of 1997, a person employing minors in unlawful conditions was not required to pay them the agreed salary or to compensate them for physical injury and that, under that same Act, a young worker could work up to 48 hours per week. In paragraph 40 it was stated that the Ministry of Labour and Vocational Training was to organize, in collaboration with ILO, UNICEF and WHO, a country seminar on measures to curb child labour in the country in Sana'a in October 1998. The Yemeni delegation might wish to report on the results of that seminar.

19. On the subject of children whose mother was married to a person other than their father, the Personal Status Act provided for custody of the child to be entrusted to the mother until the child was 9 years of age (in the case of boys) or 12 years of age (in the case of girls). That law stipulated that immoral conduct did not preclude the mother's right to custody until the child reached the age of 5 years. It was questionable whether it was in the best interests of the child to remain with his or her mother for five years when she was guilty of immoral conduct.

20. Lastly, he wished to know the Yemeni Government's refugee policy.

21. Ms. KARP asked what measures were being taken to provide accessible health services and education for children in remote areas; whether the Government cooperated with community leaders and religious dignitaries with a view to changing negative attitudes to children and ensuring that the rights contained in the Convention were respected, be it in the family, at school, in the courts or in the public service, and whether remedies were available in cases of abuse.

22. Paragraph 18 of the report stated that under the Personal Status Act, in the case of illegitimate children, neither the name of the father nor that of the mother might be mentioned in the register if the parents were within the prohibited degrees of kinship which excluded marriage. That provision violated article 7 of the Convention, whereby the child must be registered immediately after birth and had the right from birth to a name and, as far as possible, the right to know his or her parents.

23. Mrs. GHALIB FAREE AL-SAKAH (Yemen) said she welcomed the Committee members' encouraging remarks on Yemen's situation, but wished to refer to a number of comments which were unjustified in that they were not based on an objective analysis of the facts. One such point was the difference in access to schools in rural and urban areas, which was caused by purely geographical constraints. Yemen was a country of great contrasts; schools in mountainous

areas did not enjoy the same resources as schools in the plains, which were easily accessible. Despite those difficulties, she stressed that 38 per cent of girls currently attended school, representing a great step forward from the preceding decades. The spirit in which education was dispensed had also developed and children were now entitled to express their opinions in school. The persisting discrimination between boys and girls was based on social traditions deeply rooted in Yemeni society, and attitudes would be slow to change. However, Yemen's situation was patently better than that of its Arab neighbours, because it now had a democratic parliamentary regime which had been conducting a resolutely progressive policy for four years, despite border problems and problems of immigration, notably from African countries.

24. Mr. ABDULLAH (Yemen) said he was pleased to have a second opportunity to engage in dialogue with the members of the Committee and that his delegation had been greatly encouraged by the frank discussion it had had with the Committee in January 1996. As soon as the delegation had returned to Yemen, the authorities had established contacts with international and national organizations and had held a meeting in April 1996 to study the Committee's recommendations. The Government had initiated a very wide-ranging debate on children's issues, with the participation of all the ministries, the national organizations and many eminent persons in juridical, educational and social circles. A programme of action had been defined for each of the Committee's recommendations and had specified the tasks of the national organizations, governmental authorities and all civil-service departments. Foreign NGOs, such as the Swedish organization Rädda Barnen, had been involved in the process. The task was therefore well under way but, as always, far-reaching reforms would be a protracted process. In September 1998, a symposium on children's rights had been organized by the Yemeni Government, in collaboration with the League of Arab States. It had been attended by 18 country delegations, as well as the UNICEF Regional Office and the International Labour Organization among others. The Sana'a Declaration on the Rights of the Child had been adopted and a work programme to the year 2006 defined, including a recommendation to publish, translate into Arabic and implement the Convention. A large proportion of girls were already exempt from school fees, which attested to the authorities' resolve to promote education for girls, especially in rural areas. Over the previous three years, the Convention had aroused remarkable interest among the population and some 40 national organizations were endeavouring to improve the situation of mothers and children. The Government neither objected to, nor restricted, cooperation with all bodies eager to protect children in Yemen. The NGOs were also involved in disseminating the Convention, and entire pages in the newspapers were devoted to child-related issues. Efforts were being made to disseminate the Convention and alert public opinion to children's rights through training courses, short plays and television broadcasts.

25. Statistics - dating back to 1994 - did exist on children and were disaggregated by age, sex and region. A Yemeni Council for Maternal and Child Welfare, soon to be placed under the Office of the Prime Minister, had been set up and charged with coordinating the activities of the governmental and non-governmental sectors. In addition, a governmental decree provided for the enactment of a special law on children, based on the developed countries' legislation in that domain. A large-scale meeting on children was to be held in March. Lastly, a great many legislative provisions had been revised with a

view to bringing them into line with the Convention. Those provisions, like the Constitution, in no way discriminated among the various groups of children but, as in all underdeveloped countries, it was at the enforcement level that discriminatory practices could occur. The Government was doing its utmost to eliminate them.

26. In 1996, the Government had launched a vast programme of social, health and educational reform, in which children occupied a central place. As a result, 14 per cent of the total national budget was now devoted to school activities, infant mortality had dropped considerably, social assistance services had been created, and joint programmes had been established by the Ministry of Social Affairs and Labour and UNICEF, among others. There were also special schools for children with disabilities. There were now over 1,000 NGOs country-wide, and non-governmental sector participation in social, educational and health programmes was encouraged.

27. Mr. ASSANBANI (Yemen) stressed the fact that in their legislative work, Yemeni legislators referred to regional Arab laws and international conventions. Everyone was aware that laws were prepared in stages: a bill submitted to the Ministry, its adoption by Parliament followed by its presentation to the President of the Republic, which explained the relatively slow pace at which the country enacted new legislation.

28. Referring to the remarks concerning the legal age in Yemen, he said that it was set at 15 years for a number of rights (inheritance, property management and bequests), but that the age of criminal liability was set, by article 31 of the Penal Code, at 18 years. Under article 36 of the Juveniles Act, children found guilty of a crime covered by the Penal Code could incur a reprimand or censure by the court or be placed in the custody of a parent or legal guardian or in a social welfare establishment or specialized hospital where they would receive the care required by their condition. A minor could never be condemned to death, the maximum sentence being 10 years' imprisonment. A special affairs commission had been set up in Parliament and specifically entrusted with the task of studying all bills relating to children.

29. Mrs. GHALIB FAREE AL-SAKAH (Yemen) acknowledged that Yemen's second periodic report did have some shortcomings. There were, in fact, plans for an expert to visit Yemen and help prepare its next report. However, it should be noted that the authors had done their utmost to portray the reality and present the Yemeni Government's achievements in a critical but objective light, as a sign of its interest in children. Yemen had only emerged from the Middle Ages 30 years before; it was not an oil-producing country and its only resources came from traditional agriculture. In the 1960s, the country had had only a dozen or so primary and secondary schools. Today, there were 12,000 primary schools, 10,000 secondary schools and 15 universities. It had a Parliament, and elections were free. In other words, Yemen was taking its first steps towards a modern society. It also adopted political positions that displeased its neighbours' traditional Governments. The very fact of its presenting reports to the Human Rights Committee and the Committee on the Rights of the Child constituted a veritable revolution in the society and in the region, something that ought to be remembered.

30. On the subject of discrimination against women, she said that, having herself made a comparative study between the situation of women in Yemeni society and those in Western and other Arab societies, she had observed that, while Yemeni women still had a traditional image, they were no more discriminated against than in other societies. Gender stereotyping was a worldwide phenomenon. As for the differences between urban and rural areas, it was worth noting that Yemen had four different types of terrain: very high mountains, plains, coastal areas and desert. Developed services existed only in the centre of the country, because access to the other regions was difficult. Moreover, the loss of the revenue that had been repatriated by more than 1.5 million Yemenis working in the countries of the region during the Gulf War had dealt a terrible blow to the economy. It was in that light that the report should be considered, not by comparing Yemen's situation with that of other countries.

31. It was wrong to say that certain provisions of the Convention had not been taken into consideration. The Convention could not conflict with the legislation of countries that were aspiring to democracy and the exercise of human rights. It was therefore one of the instruments that could be invoked in court.

32. The Yemeni Council for Maternal and Child Welfare had been created on the Government's initiative, but its funding and future depended largely on the support of the international community and of NGOs working in synergy with the State. Where international cooperation was concerned, four anti-poverty projects, funded by the World Bank, had been launched.

33. Regarding the remarks on the age of majority, it should be pointed out that Yemeni children were entitled to hold a passport from the second day following their birth. While they could work from the age of 15, they could not engage in onerous activity or any activity that interfered with their schooling. The age of conscription was 18. The age of marriage was set by law at 18, but individual waivers could be granted.

34. One Committee member had remarked on the fact that three years had elapsed since the submission of the initial report. That was not very long considering that five years were needed to implement an economic plan.

35. With regard to the entry of a child's name on the birth certificate, a child born out of wedlock was not usually turned over to adoptive parents by the mother and when that did occur she requested that her name should not be divulged. Children born out of wedlock sometimes found themselves in the street without knowing their mother. Those social aspects of the question needed to be borne in mind and could not be imputed to the State. When the mother handed over her child to an association, she was required to state her name.

36. The influx of refugees from the Horn of Africa had been disastrous for Yemen, but its observance of the international conventions obliged it to take them in and camps and schools had been opened close to the towns, where refugee children received humane and individual treatment.

37. With regard to child labour, she said that she herself had been involved in drafting a report on the subject. In Yemeni society, 98 per cent of working children were engaged in agricultural work within their families. A very few were employed in the towns cleaning cars or in construction, for instance, but always in a family setting. Those children's school attendance was respected and orphans or poor children were protected by laws which every employer was required to observe. Labour Act No. 5, mentioned in paragraph 48 of the report, was currently being revised, as were other legislative texts criticized in that report. Efforts were being made to impose a total ban on the employment of children under 15. A monitoring committee attached to the Council of Ministers had been set up to deal with the matter.

38. Mr. ABDULLAH (Yemen) assured the Committee that the recommendations formulated following examination of the initial report had been taken into account and pointed out that a seminar attended by representatives of the authorities concerned had been held to evaluate their implementation in the course of 1999. The population census that had taken place in 1994 had produced data on children, disaggregated by age and geographical area, and on the number and various categories of children with disabilities. After a faltering beginning, the Yemeni Council for Maternal and Child Welfare had finally been allocated a sizeable budget by the Government. Sections had been set up within the various departments, and UNICEF, which had been asked to evaluate their work, had dispatched an expert to propose training programmes. A maternal and child cooperation programme involving UNICEF, UNIDO and Yemen had now been set up. Under that programme, the Council's structures received support in the fields of education and health care. There were also plans to combine in a single instrument all laws relating to the welfare of the child. The provisions of the Convention, as well as the Committee's recommendations, would be reflected therein and the unified text was expected to be enacted by the end of the first half of 1999. A social assistance fund provided aid to the most indigent population groups - women, divorcees, women whose husbands were in prison, the disabled and orphans. In 1990, the fund had possessed a capital of over 5 billion rials. At present, over 30 million rials were paid monthly by the Government for orphans alone. Several other social foundations looked after children, and various activities on their behalf were conducted in the fields of education, health and social welfare.

39. With respect to the dissemination of the Convention, joint activities were being conducted by local organizations and the Government to train institutions and specialists concerned with children's rights (computer experts, writers, lawyers and others). The programme was being carried out with UNICEF support with a view to initiating and training representatives of other social groupings, such as the imams, in the rights of the child.

40. As shown in the report, the best interests of the child were taken into account in all texts concerning education, civil status and minors. Conversely, discrimination between girls and boys was not dealt with in the legislation. Certain social conditions brought a degree of discrimination in their wake and attempts were being made to effectively enforce the law in that regard.

41. Mrs. GHALIB FAREE AL-SAKAH (Yemen) pointed out that corporal punishment was prohibited in schools. As for demographic statistics, Yemen conducted a

census every five years. The most recent had been in 1994, but maternal and child health was periodically monitored and censuses of poor and working children taken. The next census would take place in 1999 and all the Committee's observations would be taken into consideration, by agreement with the Council of Ministers, especially with regard to children, who were subject to various forms of exploitation and suffered the most. That being said, there was no lack of indicators for social researchers to consult.

42. Public institutions and NGOs were collaborating in the implementation of a programme for training workers in the rights of the child through seminars and workshops. Some academics were proposing to organize a conference with a view to including the concept of democracy and children's rights in school and teacher-training curricula.

43. The "akhdam" children belonged to a social category of so-called "servants" whose status was comparable to that of the Roma in Europe. In fact, nothing prevented that category of children from attending school, but their parents preferred to steer them towards begging. All children born out of wedlock were not abandoned, but were taken in by certain families. Children working on the streets were entitled to a certain treatment under the law. With regard to children's participation in decision-making, matters were evolving favourably, but acceptance of the idea would take time. However, one should not despair, because family planning had been included in syllabuses, something inconceivable in the early 1990s.

The meeting rose at 1 p.m.